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CALIFORNIA DEPARTMENT OF TRANSPORTATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO COURTHOUSE

MAISA KURDI,
Plaintiff,
vs.
CALIFORNIA DEPARTMENT OF
TRANSPORTATION, and Does 1-100,
Defendants.

) Case No.: 1:22-CV-00729-JLT-EPG
)
) DEFENDANT'S NOTICE OF MOTION
) AND MOTION TO COMPEL MENTAL
) EXAMINATION OF PLAINTIFF
)
) Date: January 10, 2024
) Time: 9:00 a.m.
) Courtroom: 10
)
) Complaint Filed: June 15, 2022
) Trial Date: October 29, 2024
)

TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD AND MAISA KURDI:

PLEASE TAKE NOTICE THAT on January 10, 2024 at 9:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 10, on the 6th Floor of the above-entitled Court, located at 2500 Tulare Street, Fresno, California 93721, Defendant California Department of Transportation (“Caltrans” or “Defendant”) will, and hereby does, move for an order compelling Plaintiff MAISA KURDI (“Plaintiff”) to participate in a mental examination pursuant to Federal Rule of Civil Procedure 35(a), to take place at 10:00 a.m. on January 29, 2024 at Imagine Reporting located at 680 W. Shaw Avenue, Suite 206, Fresno CA 93704 by Dr. James A. Rosenburg, forensic psychologist. The scope and

1 conditions of the mental examination is set forth in Exhibit A, attached hereto and by this reference fully
2 incorporated herein.

3 Pursuant to the Court's Standing Order [Dkt. No. 3-1], Defendant's counsel certifies that meet
4 and confer efforts have exhausted with respect to the merits of this motion. Said meet and confer efforts
5 began with a letter transmitted via email on November 3, 2023 which requested Plaintiff's counsel
6 stipulate to the exam. A responsive letter received via email from Plaintiff's counsel asked several
7 questions and letter was sent, again via email, by Defendant's counsel responding to those inquiries on
8 November 7, 2023. That same date, Plaintiff's counsel suggested that Defendant's counsel provide a
9 proposed stipulation which was agreed to. Communications continued and on December 7, 2023
10 Defendant's counsel provided a proposed stipulation. No response to the December 7, 2023
11 communication has been received.

12 This motion is based on this Notice of Motion, the accompanying Memorandum of Points and
13 Authorities, the Declaration of Valerie J. Velasco and exhibits thereto, the pleadings and filings on
14 record in this action, and on any other matters as may be presented at the hearing of the motion.

15
16 DATED: December 19, 2023

17 ERIN E. HOLBROOK, Chief Counsel
18 ALAN M. STEINBERG, Deputy Chief Counsel
19 GINA CARDOZA, Assistant Chief Counsel
DANIEL D. O'SHEA, Deputy Attorney
VALERIE J. VELASCO, Deputy Attorney

20
21 By /s/ Valerie J. Velasco
22 VALERIE J. VELASCO
23 Deputy Attorney
California Department of Transportation
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CERTIFICATE OF SERVICE

I, the undersigned, declare that I am over 18 years of age and not a party to this action. I am employed in the county of Sacramento, California, and my business address is 1120 N Street, Sacramento, California. My electronic service address is marisol.cruzrodriguez@dot.ca.gov. On the date of signature below, I served the following documents:

DEFENDANT'S NOTICE OF MOTION AND MOTION TO COMPEL MENTAL EXAMINATION OF PLAINTIFF

on the person or persons below, at the address provided, and served as indicated:

<p>JOHN A. SHEPARDSON, ESQ. 125 E. Sunnyside Ave., Suite 104 Campbell, CA 95008 Telephone: (408) 395-3701 Facsimile: (408) 395-0112</p> <p>E-mail: john@shepardsonlaw.com sue@shepardsonlaw.com marti@shepardsonlaw.com</p>	<p><i>Attorney for Plaintiff</i> Maisa Kurdi</p>
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By United States mail. I enclosed the documents in a sealed envelope or package addresses to the persons at the addresses listed and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the California Department of Transportation Legal Division's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

By electronic service. Pursuant to Code of Civil Procedure section 1010.6, I caused the said documents to be sent to the persons at the electronic service address(es) listed directly below their names.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Sacramento, California, on **December 19, 2023**.

Marisol Cruz Rodriguez

Marisol Cruz Rodriguez